United Nations A/HRC/RES/29/13

General Assembly

Distr.: General
23 July 2015

Original: English

Human Rights Council
Twenty-ninth session
Agenda item 2

Resolution adopted by the Human Rights Council on 2 July 2015

29/13. Mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights,

Recalling Human Rights Council resolution 5/1 of 18 June 2007, as well as Council resolutions 18/17 of 29 September 2011, 21/28 of 28 September 2012, 23/24 of 14 June 2013 and 26/31 of 27 June 2014 on technical assistance and capacity-building for South Sudan in the field of human rights, and President's statement PRST 25/2 of 28 March 2014,

Taking note of all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development,

Taking note also of Security Council resolutions 2206 (2015) of 3 March 2015 and 2223 (2015) of 28 May 2015,

Deeply concerned by the allegations of human rights violations and abuses in the report of the Secretary General on South Sudan,[1] the reports of the United Nations Mission in South Sudan dated 21 February 2014, 8 May 2014, 19 December 2014, and 9 January 2015, and the report of the United Nations High Commissioner for Human Rights,[2]

Noting with deep concern the prevailing situation on the ground marked by continued fighting and attacks against civilians, access restrictions and other impediments to humanitarian assistance, acute food insecurity and the dire humanitarian crisis, producing large populations of internally displaced persons within South Sudan and refugees outside the country,

[1] S/2015/296.
[2] A/HRC/28/49.

Please recycle

Strongly condemning all ceasefire violations committed by the parties, as reported by the Monitoring and Verification Mechanism of the Intergovernmental Authority on Development, as well as the attacks and other egregious acts of violence and abuses of human rights against civilians, including during the fighting in Upper Nile and Unity States in April and May 2015,

Condemning in the strongest terms the attacks and other acts of violence and harassment targeting humanitarian agencies and their personnel and assets, while commending humanitarian agencies for their continued assistance to the affected populations, and urging all actors concerned to cooperate fully with humanitarian agencies,

Deeply concerned at the situation of human rights in South Sudan and at reports of atrocities committed since the outbreak of violence on 15 December 2013, exacerbated by the recent upsurge in violent clashes, including the targeted killing of civilians and mass displacements, and allegations of unlawful recruitment and use of child soldiers, widespread incidents of arbitrary arrest and detention, and sexual violence,

Noting with grave concern the conclusions of the United Nations Mission in South Sudan in its report of 8 May 2014 regarding violations and abuses of human rights, violations of international humanitarian law and serious crimes,

Deeply concerned at the serious reports of violence against children, including rape and other sexual violence, and brutal killing, including the slitting of throats, and burning and allowing children to bleed to death,

Expressing particular concern at the reduction of democratic space in South Sudan, including through the heightened restrictions on the exercise of the human rights to the freedoms of expression, peaceful assembly and association and limitations on the operation of civil society and the media,

Emphasizing that persistent barriers to the implementation of Security Council resolution 1325 (2000) of 31 October 2000 will only be dismantled through a dedicated commitment to women's empowerment, participation and human rights, and through concerted leadership, consistent information and action and support to build women's engagement at all levels of decision-making,

Welcoming the mediation efforts of the Intergovernmental Authority on Development and its Plus mechanism, and the contribution of the African Union, encouraging the renewed regional and international efforts to implement swiftly a comprehensive solution to end the crisis in South Sudan, and urging all parties to engage meaningfully in the peace process to bring about a political resolution to the crisis and an end to the violence,

Noting the dialogue and agreement on the reunification of the Sudanese People's Liberation Movement of 21 January 2015, commending the role played by Chama Cha Mapinduzi of the United Republic of Tanzania, the Ethiopian People's Revolutionary Democratic Front of Ethiopia and the African National Congress of South Africa in fostering dialogue and understanding among the leaders of the Sudan People's Liberation Movement, and noting also the recent reinstatement of dismissed political leaders of the Sudan People's Liberation Movement to their previous positions,

Recognizing the critical work of the Human Rights Division of the United Nations Mission in South Sudan,

Mindful of the immense challenges facing the people in South Sudan owing to its acute food and water crises, slow progress in its infrastructure and lack of services, including education and health care, all exacerbated by this man-made crisis, while

encouraging the international community to continue to provide humanitarian assistance to the people of South Sudan in this regard,

Expressing concern that the situation in South Sudan continues to be characterized by impunity,

Welcoming the establishment and work of the African Union Commission of Inquiry on South Sudan and stressing the importance of thorough and genuine investigations into all human rights violations and abuses, and violations of international humanitarian law, with a view to bringing perpetrators to justice,

Underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

Taking note of the conclusions on children and armed conflict in South Sudan adopted by the Security Council Working Group on Children and Armed Conflict on 8 May 2015, welcoming the accession of South Sudan to the Convention on the Rights of the Child, and welcoming also the steps taken to accede to the Optional Protocol to the Convention on the Rights on the Child on the involvement of children in armed conflict, and calling for their swift implementation,

1. *Expresses grave concern* at the ongoing human rights violations and abuses and violations of international humanitarian law in South Sudan, including those involving alleged targeted killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, the recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access, violence aimed at spreading terror among the civilian population, and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel, by all parties, as well as the incitement to commit such abuses and violations condemns the harassment and violence directed at civil society, humanitarian personnel and journalists, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

2. *Demands* that all actors put a halt to all human rights violations and abuses and all violations of international humanitarian law, and strongly calls upon the Government of South Sudan to ensure the protection and promotion of human rights and fundamental freedoms, especially for women and children;

3. *Stresses* the importance of accountability, reconciliation and healing as prominent elements of a transitional justice mechanism, and also stresses that perpetrators of violations of international humanitarian law and human rights violations and abuses, alleged crimes against humanity and war crimes should be held accountable and brought to justice;

4. *Calls upon* the Government of South Sudan to investigate and report on atrocities, including human rights violations and abuses and violations of international humanitarian law, and to hold those responsible to account, while affording fair-trial protections and supporting victims;

5. *Welcomes* the communiqué of 13 June 2015 by the African Union Peace and Security Commission, and its plans to consider the report of the African Union Commission of Inquiry on South Sudan at a meeting in July 2015, anticipates with interest the findings and recommendations of the Commission of Inquiry, and encourages the public release of its final report as soon as possible;

6. *Recognizes* the importance of independent and public human rights monitoring, investigation and reporting mechanisms, including by South Sudan, for their

usefulness in laying the groundwork for justice, accountability, reconciliation and healing among members of all South Sudanese communities;

7. *Notes* the continued positive engagement of the Intergovernmental Authority on Development and its Plus mechanism, and welcomes the appointment of the former President of Mali, Alpha Oumar Konaré, as the African Union High Representative for South Sudan, to bring about peace and stability in South Sudan;

8. *Urges* all parties to respect and implement the agreements mediated by the Intergovernmental Authority on Development and to commit to inclusive dialogue, reconciliation and peacebuilding; notes with concern that, since the signing of the Cessation of Hostilities Agreement in January 2014, breaches have continued from both sides of the conflict; calls for the Agreement to be respected and for all fighting to cease; and urges the parties to reach a peace agreement to end the conflict;

9. *Expresses its appreciation* for the support of neighbouring countries to refugees, and calls upon the international community to help neighbouring countries hosting refugees, especially women, children and persons with disabilities;

10. *Urges* the Government of South Sudan to take immediate steps to protect the human rights to freedoms of expression, peaceful assembly and association by, among other things, ensuring that civil society organizations and the media can operate freely and without discrimination, in accordance with international human rights obligations;

11. *Strongly urges* all parties to end and prevent violations committed against children, and calls upon the armed forces of all parties to end immediately all forced or unlawful recruitment of children and to release all children that have been recruited to date;

12. *Recognizes* the important role that women play in building peace, calls for the protection and promotion of the rights of women, their empowerment and participation in peacebuilding, conflict resolution and post-conflict processes, in accordance with Security Council resolution 1325 (2000), and the need to honour commitments made by all parties and to take action to tackle sexual violence, and in this regard calls upon South Sudan to meet the commitments made in the joint communiqué on sexual violence signed with the United Nations on 11 October 2014;

13. *Reiterates* the importance of an objective assessment of the situation of human rights in South Sudan;

14. *Requests* the Office of the United Nations High Commissioner for Human Rights:

(*a*) Urgently to undertake a mission to engage with the Government of South Sudan, to monitor and report on the situation of human rights, and to undertake a comprehensive assessment of allegations of violations and abuses of human rights with a view to ensuring accountability and complementarity with the African Union Commission of Inquiry;

(*b*) To make recommendations for technical assistance and capacity-building and ways to improve the situation of human rights in the country with a view to providing support to the country in fulfilling its human rights obligations;

(*c*) To recommend on the basis of the above-mentioned assessments and the benchmarks outlined in paragraph 15 below the follow-up action that would be appropriate for the Human Rights Council to consider, including the possibility of a mechanism, as appropriate;

(*d*) To engage with the Government of South Sudan and other relevant stakeholders to incorporate a gender perspective, and to consider a full range of

information, including from relevant human rights mechanisms, in particular the Human Rights Division of the United Nations Mission in South Sudan and civil society entities in the fulfilment of the present mandate with a view to help the country to fulfil its human rights obligations;

(*e*) To support domestic, regional and international efforts towards accountability, reconciliation and other transitional justice measures, including through recommendations concerning appropriate technical assistance, while taking into consideration the findings and recommendations made by the African Union Commission of Inquiry in its report;

15. *Also requests* the Office of the High Commissioner, in carrying out the above mandate, to assess the effectiveness of steps taken by the Government of South Sudan to ensure accountability for human rights violations and abuses, which could include work to establish appropriate criminal justice mechanisms; to decrease and prevent violence against children and the recruitment of child soldiers; to investigate, arrest and prosecute perpetrators of any human rights violations and abuses, and of rape and sexual violence, including those in armed groups and the military; to investigate, arrest and prosecute perpetrators of targeted killings; to increase democratic space, especially for the media and civil society; and to prevent arbitrary detention;

16. *Calls upon* the Government of South Sudan to cooperate fully with the Office of the High Commissioner in the implementation of the present resolution, including by facilitating visits and access to the country and by providing relevant information;

17. *Encourages* the Office of the High Commissioner and relevant special procedures mandate holders to provide, in consultation with the Government of South Sudan, advice and technical assistance on implementing the above-mentioned steps;

18. *Calls upon* the Government of South Sudan to cooperate constructively with the United Nations, including the United Nations Mission in South Sudan;

19. *Requests* the High Commissioner to present a preliminary oral report to the Human Rights Council at its thirtieth session, and to present a full report in an interactive dialogue, including on the issue of sexual violence, to the Council at is thirty-first session;

20. *Requests* that the Office of the High Commissioner be provided with all necessary and appropriate resources to fulfil the present mandate;

21. *Decides* to remain seized of the matter.

44th meeting
2 July 2015

[Adopted without a vote.]